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January 14, 2000

Assistant Secretary John Berry
c/o Document Management Unit
Department of the Interior
1849 C Street, NW
Mailstop 7229
Washington, DC 20240

Dear Assistant Secretary Berry:

Aloha kaua. I write to you today to offer my mana`o, my testimony on efforts underway to address the need for reconciliation between the U.S. Government and Native Hawaiians. With the passage of the "Apology Resolution" (U.S. Public Law 103-150), the U.S. Solicitor General's *amicus* brief in *Rice v. Cayetano*, and your own journey to Hawai'i to seek testimony on reconciliation, I see welcome progress in the federal government's recognition of Native Hawaiians' history and current, vexed cultural, political, and economic status. I have hope for the future of our relationship and ask that the following thoughts be considered in the pursuit of reconciliation.

First, as it did in the Apology Resolution, the U.S. government must continue to recognize Native Hawaiians as a people whose sovereign nation was illegally overthrown with the aid of the U.S. military and problematically annexed by the U.S. government. We do not seek the political status of a "tribe"; rather, we seek recognition of our collective sovereignty through a newly created status that would accurately reflect our unique history with the U.S. government.

Second, the creation of a Hawaiian office in the Department of the Interior would be desirable if its founding purpose were to continue a process of reconciliation and reparations between the U.S. government and Native Hawaiians. The work and structure of this office should be determined with the utmost care and intelligence, for experience at the State level has taught us to be wary of government offices created to handle Hawaiian affairs. Any creation of such an office on the Federal level must include an explicit admission that its work is to advance the just and verifiable self-determination of Native Hawaiians and not to replace Native Hawaiian collective sovereignty with its own structure, policies, and activities.

Third, reconciliation must include reparations and some acknowledgement of the principle of restitution. Following the findings in the Apology Resolution, the U.S. Government should reaffirm that Ceded lands belong to Native Hawaiians. Once this principle is reaffirmed, negotiations for the return of Ceded lands to Native Hawaiians should take place. These negotiations would structure timetables for

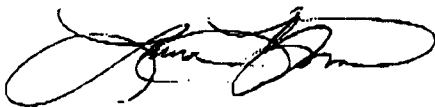
the return of these lands and would also pursue land-swaps and monetary compensation (according to fair market value) for lands mutually deemed not returnable.

Fourth, the long-term goal of these efforts should be for the Department of the Interior to facilitate Native Hawaiians' transition from the lost constitutional monarchy of 1893 to a new collective identity. This transition must include all Native Hawaiians, not merely those currently residing in the State of Hawaii (those therefore eligible to vote in State-run elections). The scattering of our people is, in part, a direct effect of political and social policies pursued by governments not of our own choosing. Significant efforts must be expended to bring all of our people into this reconciliation and rebuilding process. In addition, this new collective identity must be founded upon culturally appropriate and indigenously created forms of political and social consensus. The issue of our sovereignty, in my opinion, will not be resolved merely through balloting efforts similar to those pursued in the recent past. We need time and funds to seek verifiable consensus, formed in Hawaiian ways (not necessarily electoral), from "the ground up," through ohana (family), ahupuaa (geographically based), or hui (group) decision-making processes. Otherwise the claim of improper dispensation of our sovereignty will always cloud our collective political status.

And finally, as I look to the example of South Africa's Truth & Reconciliation Commission, I urge you to make reconciliation hearings an integral part of this effort. These hearings, facilitated by a panel made up of appropriate community leaders and mediators, would serve to solicit testimony on individual or institutional acts of wrong-doing (such as violations of Trust responsibilities or law) in Native Hawaiian affairs; this testimony could then be published as a public document. But most importantly, these hearings might serve to give solidity and force to a deeper psychological and spiritual healing for all of our people. This healing effort must be pursued in tandem with political and economic efforts; it will be difficult, but in the end, I feel that it is one of the only ways to increase our chances for successful reconciliation by reinvigorating confidence in the basic, good faith of all involved parties.

I thank you for this opportunity to testify on such a matter that is so important for my people. I thank you as well for your work and the work of your colleagues on this reconciliation effort. Together, we might find a way to make our relationship pono—healthy and right—again.

Sincerely,



Laura L. Yim